IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No. 7618 of 2004

Between:

1 Duggana Ammaji W/o chakram
R/o Chitradda, Pithapuram Mandal, East Godavari District
2 Perneti Krishna, S/o Marayya
R/o Chitradda, Pithapuram Mandal, East Godavari District
3 P. Raju S/o Krishna
R/o Chitradda, Pithapuram Mandal, East Godavari District
4 Gundra Challa Rao S/o Narayana Murthy,
R/o Chitradda, Pithapuram Mandal, East Godavari District
5 Sigatapu Nageswara Rao S/o Venkata Raju
R/o Chitradda, Pithapuram Mandal, East Godavari District
6 Gullipalli Saraswathi W/o Tata
R/o Chitradda, Pithapuram Mandal, East Godavari District
7 Bellamkonda Venkata Lakshmi W/o Nageswara Rao
R/o Chitradda, Pithapuram Mandal, East Godavari District
8 Perneti Satyavathi W/o Krishna
R/o Chitradda, Pithapuram Mandal, East Godavari District
9 Sigattapu Nagamani W/o Venkata Ramana
R/o Chitradda, Pithapuram Mandal, East Godavari District
10 Sigatapu Saimma W/o Krishna Rao
R/o Chitradda, Pithapuram Mandal, East Godavari District

..... PETITIONER(S)

AND

1 The Chairman,

A.P. State Pollution Control Board,

Hyderabad-500 038
2 The District Collector, East Godavari, Kakinada

3 The Environmental Engineer,

A.P. Pollution Control Board, Regional Office,
Rajahmundry, East Godavari District
4 The General Manager,

District Industries Centre,

Kakinada, East Godavari District
5 The Grampanchayat, Chitrada,

Pithapuram Mandal East Godavari District

rep. by its Sarpanch
6 Padmavathi Oil & Flour Mill

D. No. 5-286,Chitrada,

Pithapuram Mandal, East Godavari District
rep. by its Sole Proprietor, Perneti Suribabu,

S/o Subbarao

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of mandamus or any other appropriate Writ order or direction 1 declaring that the respondents 1 to 5 are guilty of inaction and grave dereliction of their statutory duties. (2) directing the respondents 1 to 4 to immediately conduct enquiry, cancel licenses if any in favour of the 6th respondent mill and stop running of the flour and oil Mills, dry chilly powdering mills, Rotary mills, Wet Grinding Machines by the 6th respondent Mill in its premises D.No. 5-186, situated in Chitrada Village, Pithapuram Mandal, East Godavari District (3) directing the respondents 1 and 2 to take appropriate action against those officials who are responsible for location of various industries in the premises of the 6th respondent mill and (4) allowing the Writ Petition with costs.

Counsel for the Petitioners :MR.T.DURGA PRASAD RAO

Counsel for the Respondent Nos.1 and 3: Mr. S.V.Bhatt

Counsel for the Respondent Nos.2 and 4: Govt. Pleader for Revenue

Counsel for the Respondent No.5 : Mr. Dantu Srinivas – Not Present

Counsel for the Respondent No.6: Mr. N.Siva Reddy – Not Present.

The Court made the following :

ORDER: (Per Hon'ble the Chief Justice)

Grievance of the petitioners is that there is inaction on the part of respondents in looking into the complaint as regards running of Flour and Oil Mills, Dry Chilli Powdering Mills, Rotary Mills and Wet Grinding Machines by the sixth respondent in its premises bearing No.5-186 situated in Chitrada village, Pithapuram mandal, East Godavari district. It is stated by the petitioners that as a result of running of mills etc., by the sixth respondent, there is environmental problem for which action has to be taken by the A.P. State Pollution Control Board.

Learned counsel for respondents 1 and 3 states that the third respondent is the authority which has to carry out inspection of the site and take appropriate steps which are required to be taken after such inspection in case it is found that there is air pollution. He further submits that most probably the third respondent must have taken action in the matter and if not taken so far, appropriate direction can be issued to the third respondent.

Considering the averments made in the affidavit, we allow the writ petition with direction to the third respondent to carry out inspection of the premises in question when the mills would be functional. Inspection will be carried after notice to the parties and in case mills are not functioning, the same will be permitted to run and after inspection, proceed to pass orders as may be required in case it is found that sixth respondent is violating any of the provisions of law. Inspection shall be completed within four weeks from the date of receipt of writ order from the Court.

The writ petition is accordingly allowed.

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DEVINDER GUPTA, C.J.

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C.V.RAMULU, J

02-08-2004

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Monday, the second day of August, Two thousand and Four.

Asst. Registrar

To

1 The Chairman,

A.P. State Pollution Control Board,

Hyderabad-500 038

2 The District Collector, East Godavari, Kakinada

3 The Environmental Engineer,

A.P. Pollution Control Board, Regional Office,
Rajahmundry, East Godavari District

4 The General Manager,

District Industries Centre,

Kakinada, East Godavari District

5 The Sarpanch, Grampanchayat, Chitrada,

Pithapuram Mandal East Godavari District

6 Padmavathi Oil & Flour Mill

D. No. 5-286,Chitrada,

Pithapuram Mandal, East Godavari District

7 2CCs to Govt. Pleader for Revenue, High Court Buildings,

Hyderabad. (OUT)

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